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Remarks / Arguments

Reconsideration of this application in view of the amendments made to the specification and claims and the following remarks is respectfully requested.

Claims 18, 20, and 25 have been amended. Claims 1-17 and 26-31 have been cancelled. Claims 40-77 have been added. After entry of this amendment, claims 18-25 and 32-77 are pending.

The Applicant submits that the amendments to the specification and claims and the new claims are supported by the specification, including the drawings and claims, as originally filed and do not introduce new matter.

Drawings

The Examiner objected to the drawings as failing to comply with 37 C.F.R. §1.84(p)(4) because reference character "30" has been used to designate both lower base member and upper base member. The specification has been amended at paragraph [0044] to correct this typographical error. Therefore, the Applicant respectfully requests that the Examiner withdraw the objection.

The Examiner has also objected to the drawings under 37 C.F.R. §1.83(a) because they fail to show reference character '56" as described in the specification. The Applicant asserts that figure 8 clearly shows item 56 and, thus, the objection is in error. However, the specification has been amended at paragraph [0063] to clarify this item in the figures. Therefore, the Applicant respectfully requests that the Examiner withdraw the objection.

Claim Rejection – 35 U.S.C. § 112, ¶1

The Examiner has rejected claims 9-11 under 35 U.S.C. § 112, ¶1 as failing to comply with the enablement requirement. By this amendment, claims 9-11 have been cancelled. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

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Claim Rejection – 35 U.S.C. § 102

The Examiner has rejected claims 1-6, 9, and 11-16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,699,265 to Lachenbruch et al. ("the '266 patent"). By this amendment, claims 1-6, 9, and 11-16 have been cancelled. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

The Examiner has also rejected claims 1-9 and 11-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,687,436 to Denton ("the '436 patent"). By this amendment, claims 1-9 and 11-16 have been cancelled. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

The Examiner has additionally rejected claims 1-4, 9, 11, and 16 under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Pat. No. 5,837,002 to Augustine et al. ("the '002 patent") or U.S. Pat. No. 4,981,135 to Hardy ("the '135 patent"). By this amendment, claims 1-4, 9, 11, and 16 have been cancelled. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

Claim Rejection – 35 U.S.C. § 103

The Examiner has rejected claims 17 and 26-31 under 35 U.S.C. § 103(a) as being unpatentable over the '266 patent in view of U.S. Pat. No. 5,857,749 to DeBellis ("the '749 patent"). By this amendment, claims 17 and 26-31 have been cancelled. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

The Examiner has also rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over the '266 patent in view of U.S. Pat. No. 5,500,965 to Hannagan ("the '965 patent"). By this amendment, claim 7 has been cancelled. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

Claim Objection

The Examiner has objected to claims 18-25 as being dependent upon a rejected base claim, but has stated that the claims would be allowable if rewritten in independent form to

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include all of the limitations of the base claim and any intervening claims. Claim 18 has been amended to include the limitations of claim 17. Accordingly, claim 18 is now in condition for allowance. Furthermore, because claims 19-25 depend from an allowable independent claim, they are also in condition for allowance. Therefore, the Applicant respectfully requests that the Examiner withdraw the objection and allow claims 18-25.

Allowed Claims

The Examiner has allowed claims 32-39. The Applicant respectfully acknowledges the allowance of these claims.

New Claims

New claim 40 recites a pelvic captivation structure for use in a seat cushion that includes a generally U-shaped component having a pair of side members and a back member and a front member attached to the side members to prevent lateral movement of the side members and to generally increase stability of a user when the user is seated upon or is repositioned with respect to the seat cushion. The apparatus as claimed is neither anticipated by nor rendered obvious by the cited references. Thus, the Applicant respectfully requests allowance of this claim. Furthermore, because claims 41-55 depend from an allowable independent claim, they are also in condition for allowance.

New claim 56 recites a temperature control module for use in a seat cushion that includes a thermal transfer element and a cushion element positioned beneath the thermal transfer element. The thermal transfer element includes a phase change material and is configured and positioned to control heat transfer from a user seated on the seat cushion to maintain the user's skin temperature within a desired range. The cushion element is formed of a material that insulates the thermal transfer element and cushions the user when the user is seated upon the seat cushion. None of the cited references teach or report an apparatus as claimed. Thus, the Applicant respectfully requests allowance of this claim. Additionally, because claims 55-70 depend from an allowable independent claim, they are also in condition for allowance.

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New claim 71 recites a seat cushion that includes a pelvic captivation structure and a temperature control module. The pelvic captivation structure includes a generally U-shaped component having a pair of side members and a back member and a front member attached to the side members to prevent lateral movement of the side members and to generally increase stability of a user when the user is seated upon or is repositioned with respect to the seat cushion. The temperature control module includes a thermal transfer element and a cushion element positioned beneath the thermal transfer element; the thermal transfer element having a phase change material and being configured and positioned to control heat transfer from a user seated on the seat cushion to maintain the user's skin temperature within a desired range and the cushion element being formed of a material that insulates the thermal transfer element and cushions the user when the user is seated upon the seat cushion. The apparatus as claimed is neither anticipated by nor rendered obvious by the cited references. Thus, the Applicant respectfully requests allowance of this claim. Furthermore, because claims 72-77 depend from an allowable independent claim, they are also in condition for allowance.

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Conclusion

All pending claims are now in condition for allowance. A notice to that effect is respectfully requested.

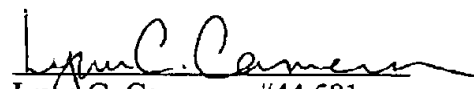
If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Should any of the provided fees be incorrect, the Commissioner is authorized to charge or credit the Faegre & Benson Deposit Account No. 06-0029 as necessary, and is requested to notify us of the same.

Respectfully Submitted,

EVAN W. CALL

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